

### **REMARKS**

Applicant submits that this Amendment After Final Rejection places this application in condition for allowance by amending claims in manners that are believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal. This Amendment is necessary to clarify certain claim limitations and was not earlier presented because Applicant believed that the prior response(s) placed this application in condition for allowance, for at least the reasons discussed in those responses. Accordingly, entry of the present Amendment, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

In the event that the Office declines to enter the present Amendment, and (i) any portion of the present Amendment would place some of the claims in better form for appeal if a separate paper were filed containing only such amendments or (ii) any proposed amendment to any claim would render that claim allowable, Applicant respectfully requests that the Office inform Applicant of the same pursuant to MPEP §714.13.

By this amendment, the claims 1 and 12-13 have been amended. The amendments are supported by the specification and drawings as originally filed. Claims 1-13 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, as amended, is requested.

### **Rejection under 35 U.S.C. §112**

Claims 1-13 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant notes the rejection to the claims and in

response has amended claims 1, 12 and 13 to replace the phrase “an intuitive indication” with --a user-readable visible indication--. Thus, claims 1-13 are no longer believed indefinite. Withdrawal of the rejection is requested.

The Office Action also indicates that “[f]urther claims 1, 12 and 13 are indefinite for reciting a token that has data content representing data content in the data store; and then further reciting at the end of the claim that the token does not include data content that is in the data store” (see Office Action, page 2). This position is traversed for at least the following reasons. With respect to claim 1, the claim has been amended and now more clearly recites “said at least one token for providing a user-readable, visible indication of data content representing data content in the data store” and recites further therein that “said at least one token further being a visible, user-readable, physical feedback representation in tangible form of the corresponding data content stored in the data store, the at least one token themselves not including the corresponding data content but such data content being stored remotely from the at least one token in the data store.” In other words, a token does not include data content that is remotely stored in the data store; rather, a token includes “(i) ... details of said data content to identify said data content in the data store and/or (ii) ... one or more details of said user-selectable operations so that said one or more details include user-readable visible information and details that are optically readable via a user from said at least one token in response to being user-inspected.” Accordingly, the claim is no longer believed indefinite. In addition, claims 12 and 13 are no longer believed indefinite for similar reasons. Withdrawal of the rejection is requested.

### **Rejection under 35 U.S.C. §102**

Claims 1-3, 5-8 and 11-13 were rejected under 35 U.S.C. §102(b) as being anticipated by Clark et al. (U.S. Pat. No. 5,175,720; hereafter "**Clark**"). Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that  
*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, with respect to claim 1, to sustain this rejection the **Clark** reference must contain all of the above claimed elements of the claim. However, as is now presented herein, and contrary to the examiner's position that all elements are disclosed in the **Clark** reference, the latter reference does not disclose "at least one token for providing a *user-readable, visible indication of data content* representing data content *in the data store ... wherein the computing means ... performs user-selectable operations in response to said at least one token being spatially presented to the token interfacing means ... (i) to read from said at least one token ... details of said data content to identify said data content in the data store and/or (ii) to record on said at least one token ... details of said user-selectable operations ... that ... include user-readable visible information and details that are optically readable via a user ... in response to being user-inspected, said at least one token further being a visible, user-readable, physical feedback representation in tangible form of the corresponding data content stored in the data store, the at least one token themselves not including the corresponding data content but such data content being stored remotely from the at least one token in the data store*" (emphasis added) as is claimed in claim 1. Therefore, the rejection is not supported by the **Clark** reference and should be withdrawn. Support for the amendments to claim 1 can be found in the specification at least on page 3, lines 5-6 and 13-24; page 4, lines 3 and 8-9; page 8, lines 5-6; page 9, lines 24-26; page 12, lines 18-29; page 13, lines 26-30; page 15, lines 27-30; and FIGs. 1 and 2.

In contrast, the **Clark** reference teaches an interactive optical disk for recording both permanently stored information and user-supplied information on an *optical disk*. In other words, the optical disk includes both data content and user-supplied information. The method of **Clark** also includes *reading* the permanent *and* user-supplied information via *laser beams* having unequal wave-lengths. (emphasis added, see Clark, Abstract). Thus, **Clark** does not disclose “*user-readable visible information and details that are optically readable via a user ... in response to being user-inspected, said at least one token further being a visible, user-readable, physical feedback representation in tangible form of the corresponding data content stored in the data store, the at least one token themselves not including the corresponding data content but such data content being stored remotely from the at least one token in the data store*” (emphasis added) as is claimed in claim 1.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome. Claims 2-3, 5-8 and 11 depend from and further limit allowable independent claim 1 and therefore are allowable as well. Withdrawal of the rejection is respectfully requested.

Claim 12 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 12 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

Claim 13 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 13 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

Claims 1-3, 5-8 and 11-13 were rejected under 35 U.S.C. §102(e) as being anticipated by Selinfreund et al. (U.S. Pub. No. 2005/0050343; hereafter "**Selinfreund**"). Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that  
*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, with respect to claim 1, to sustain this rejection the **Selinfreund** reference must contain all of the above claimed elements of the claim. However, as is now presented herein, and contrary to the examiner's position that all elements are disclosed in the **Selinfreund** reference, the latter reference does not disclose "at least one token for providing a *user-readable, visible indication of data content* representing data content *in the data store* ... wherein the *computing means* ... performs *user-selectable operations in response to* said at least one *token* being *spatially presented* to the *token interfacing means* ... (i) *to read from* said at least one token ... *details of* said data content *to identify* said *data content in the data store* and/or (ii) *to record on* said at least one token ... *details of* said *user-selectable operations* ... that ... include *user-readable visible information and details* that are *optically readable* via a *user* ... in response to being user-inspected, said at least one token further being a *visible, user-readable, physical feedback representation* in tangible form of the corresponding *data content* stored *in the data store*, the at least one token themselves *not including* the corresponding *data content* but such data content being *stored remotely* from the at least one token *in the data store*" (emphasis added) as is claimed in claim 1. Therefore, the rejection is not supported by the **Selinfreund** reference and should be withdrawn.

In contrast, the **Selinfreund** reference teaches a storage media access control method and system in which light sensitive or other materials that are adapted to change state and affect reading of a storage medium are used to control access to data that may be stored on optical medium and/or to control use of the medium. (See

Selinfreund, Abstract). **Selinfreund** addresses the problem of counterfeiting and copy protection techniques. (See Selinfreund, paragraphs 8 and 10). **Selinfreund** further *positions* light sensitive material *on a medium* in association with *actual target* or *useable data*, such as portions of the software program, or in association with dummy data. (See Selinfreund, paragraph 69). Thus, **Selinfreund** does not disclose “*user-readable visible information and details that are optically readable via a user ... in response to being user-inspected, said at least one token further being a visible, user-readable, physical feedback representation in tangible form of the corresponding data content stored in the data store, the at least one token themselves not including the corresponding data content but such data content being stored remotely from the at least one token in the data store*” (emphasis added) as is claimed in claim 1.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(e) rejection thereof has now been overcome. Claims 2-3, 5-8 and 11 depend from and further limit allowable independent claim 1 and therefore are allowable as well. Withdrawal of the rejection is respectfully requested.

Claim 12 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 12 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(e) rejection thereof has now been overcome.

Claim 13 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 13 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(e) rejection thereof has now been overcome.

**Rejection under 35 U.S.C. §103**

Claims 4 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Clark** and in view of **Selinfreund**. This rejection is traversed for at least the following reason. Claims 4 and 9 depend from and further limit allowable independent claim 1 and therefore is allowable as well. The rejection thereof has now been overcome.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over **Selinfreund** and in view of **Clark**, and in further view of Pan et al. (U.S. Pat. No. 6,707,479; hereafter "**Pan**"). This rejection is traversed for at least the following reason. Claim 10 depends from and further limits allowable independent claim 1 and therefore is allowable as well. The rejection thereof has now been overcome.

**Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims, the specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

**EXPEDITED PROCEDURE**

PATENT

Appl. No. 10/579,931

Response to Final Action of January 4, 2011

Docket No. PHNL031365US1

Customer No. 24737

The matters identified in the Office Action of January 4, 2011 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. Withdrawal of the final action and issuance of an early formal notice of allowance of claims 1-13 is requested.

Respectfully submitted,

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